HUNTINGDONSHIRE DISTRICT COUNCIL

24/02314/REM

OFFICER REPORT

Case No: **24/02314/REM** **Approval of Reserved Matters**

Proposal: **Reserved Matters Application relating to the details of the appearance, scale and landscaping of 22/00731/OUT for Erection of a two storey house**

Location: **Land At 117 Herne Road Ramsey St Marys**

Applicant: **Abigail Duncombe**

Grid Ref: **525598 288156**

DESCRIPTION OF SITE AND APPLICATION

The application site consists of an area of land to the south of 117 Herne Road, Ramsey St Marys. It is an area of former garden land located between 117, an access road and number 117a to the south. The site is contained within typical boundary treatments with panel fencing, hedgerow and brick walling evident.

The site lies within Flood Zone 3 (Flood Zone 1 due to its location within Ramsey St Mary's as discussed in the proceeding sections of this report). It has a very low risk of surface water flooding as per the most recent Environment Agency Flood Risk Maps and Data. There are no other constraints associated with the site.

Outline planning permission was granted under application reference number 22/00731/OUT in April 2023 for the erection of a two-storey house with all matters reserved.

Given all matters were reserved, plans submitted for the outline permission were purely indicative. However, the plans submitted as part of this application are similar in terms of the siting of the proposed dwelling and its design. It does have an increased footprint and ridge height and these matters will be addressed in the proceeding sections of this report.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

LP1: Amount of Development
LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP9: Small Settlements
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Design Guide (2017)
Developer Contributions SPD (2011)
Huntingdonshire Landscape and Townscape SPD (2022)
Huntingdonshire Strategic Flood Risk Assessment (2017)
Cambridgeshire Flood and Water SPD (2024)
LDF Developer Contributions SPD (2011)
Annual Monitoring Review regarding housing land supply (2024)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

The National Design Guide (2021)

* C1 - Understand and relate well to the site, its local and wider context
* I1 - Respond to existing local character and identity
* I2 - Well-designed, high quality and attractive
* B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
* N3 - Support rich and varied biodiversity
* H1 - Healthy, comfortable and safe internal and external environment
* H2 - Well-related to external amenity and public spaces
* H3 - Attention to detail: storage, waste, servicing and utilities
Local policies are viewable at https://www.huntingdonshire.gov.uk

RELEVANT PLANNING HISTORY

0801486OUT - Erection of a house (Permission)
1101600REP - Replacement of planning permission 0801486OUT for erection of house (Permission)
18/02300/OUT - Erection of two-storey house (Permission)
22/00731/OUT - Erection of a two-storey house (Permission)

CONSULTATIONS

Ramsey Town Council were consulted but no representations have been received at the time of determination.
HDC Operations (Waste) Team - No representations received at the time of determination.
HDC Environmental Health - No objections.
Cambridgeshire County Council (CCC) Highways Team - No objections.
Cadent - No representations received at the time of determination.

REPRESENTATIONS

None received at the time of determination.

SUMMARY OF ISSUES

When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 48 of the NPPF (2024). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

In Huntingdonshire the Development Plan consists of a number of adopted neighbourhood plans, however, there is not currently an adopted neighbourhood plan in place for Ramsey (or its villages). Therefore, in this case no neighbourhood plans are given weight in the determination of this application.

The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

The main issues to consider are:

o Design, Visual Amenity and the Impact upon the Character of the Area
o Residential Amenity
o Highway Safety, Parking Provision and Access
o Biodiversity
o Impact on Trees
o Flood Risk and Surface Water
o Other issues

*Design, Visual Amenity and Impact Upon the Character of the Area

Herne Road is the main road passing through the village and hosts mainly residential development of varying age, scale and design. In this case, the proposed dwelling, by virtue of its scale, design and material finish (and having regard to the variance) will not appear out of place or incongruous. A streetscene elevation has been provided and, whilst it does have a slightly increased ridge in relation to the immediately adjacent dwellings (in order to raise floor levels for flood protection), given the separation and the moderate difference this will not be significantly noticeable. The

dwelling is also relatively linear to the adjacent dwellings (although this is not a continued theme along the length of Herne Road) but is welcomed in this instance.

In terms of outdoor space, the mixture of hard and soft landscaping is acceptable and consistent with the scale and nature of the development and the surroundings. A planting plan has been provided which also details the implantation of the landscaping and ongoing maintenance. This shall be secured by condition. Bin and cycle storage is in the rear garden and is welcomed (further discussion on the scale of the cycle storage is in the proceeding sections of this report).

Overall, having regard to the above considerations, it is considered that subject to conditions, the proposed development will be acceptable with regard to its appearance, layout and scale and will not be harmful to the character or appearance of the area. It therefore accords with Policies LP11 and LP12 of the Local Plan to 2036.

*Residential Amenity

Policy LP14 of the Local Plan to 2036 states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

In this case, there is adequate separation from number 117a (11.7m approx.) and there are no side windows or 'valuable' defensible space to the front/side of this property which would be affected. It is noted that there are a number of side windows in the southern elevation of number 117 (two at ground floor and two at first floor) which have the potential to be impacted by the increased massing. Indeed, there is a failure (though not significant) of the 25-degree test on the ground floor windows when assessed against the eaves height of the proposed dwelling and a more significant failure in terms of ridge height. However, the outline permission recognised that earlier outline permissions for a similar scale of dwelling in a similar location had not raised objections. Further, Officers have reviewed plans submitted for 117 (18/01015/HHFUL) which show that these are not the sole windows serving the rooms (which are habitable rooms). Naturally it cannot be guaranteed that the layout remains the same as was approved under 18/01015/HHFUL and it is acknowledged that being south of these windows the erection of a dwelling will result in the reduction of light to these windows. However, having regard to this, alongside the earlier outline permissions for a two-storey dwelling which could not be reasonably located further from these windows, the LPA raise no objections. It should also be noted that the occupants of number 117 have been notified of the proposals in writing and a site notice has been displayed. As above, no representations have been received at the time of determination.

It is further concluded that the upper floor windows of the southern elevation of number 117 would not be affected as they would not fail the 25-degree test. Also, given the linear pattern of development there would be no failure of the 45-degree test and the defensible space associated with number 117 and the proposed dwelling would not suffer harmful reduced light or overbearing impacts. No other properties would be detrimentally impacted given the location and separation.

In terms of overlooking and loss of privacy, there are no first-floor windows in the side (north) elevation of the main section of the dwelling opposite number 117 and the door at ground floor is acceptable given its location and proposed boundary treatments. The side facing upper floor windows to the front projection do not look directly towards any other windows or private amenity land to either the north or south and are acceptable.

The southern elevation has two windows at first floor level which serve a bathroom and landing area. These are both detailed as obscure glazed and will have this and their means of opening secured by condition in order to avoid impacts of perceived overlooking by the occupants of 117a.

Windows to the rear (west) will offer some views of the rear garden area of number 117 (less so to 117a due to the access track and garage etc), however this is not significant and would not provide

direct views to the area directly to the rear/patio etc. There is adequate separation from the front windows to number 132 to the east to avoid any negative impacts.

Overall, the proposal is acceptable in terms of overlooking and loss of privacy and will not result in harm to amenity of adjacent properties. HDC's Environmental Health Team have also been consulted and raise no objections in terms of noise, odour, disturbance, contamination etc.

In terms of impacts on the future occupants of the dwelling, the LPA is satisfied that they will enjoy a high level of residential amenity due to the scale of the garden, provision of private space, convenient parking and cycle storage etc.

Overall, subject to conditions, it is concluded that the proposed development is acceptable in terms of residential amenity and therefore accords with Policy LP14 of the Local Plan to 2036.

*Highway Safety, Parking Provision and Access

Policy LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles. Cambridgeshire County Council Highways Team were consulted on the outline application and raised no objections to the development subject to compliance with conditions.

The site plan shows access from Herne Road with ample availability for off road parking and manoeuvrability to allow vehicles to enter and leave the site in forward gear. Policy LP17 of the Local Plan and the Huntingdonshire Design Guide requires all C3 development to provide at least one secure, covered cycle space per bedroom. Separate detail has been provided which shows the scale and design of the proposed storage and which meets with these requirements. This provision shall be secured by condition.

Overall, having regard to the above, the development accords with Policies LP16 and LP17 of the Local Plan to 2036.

*Biodiversity

Policy LP30 of the Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. Policy LP30 of the Local Plan to 2036 also requires development proposals to ensure no net loss in biodiversity and provide a net gain in biodiversity where possible. It should be noted that whilst Biodiversity Net Gain Legislation (BNG) is now in force, given that the date of submission for the application relative to this permission (i.e. the outline) pre-dated BNG for small sites and is the 'permission', there is no requirement for the provision of metrics and uplifts required as part of BNG.

The Officer Report for the outline permission considered that the site had no record of protected species and was of low biodiversity potential and concluded that, given its minor scale, a scheme could be brought forward which would offer scope for a net gain to be achieve in accordance with LP30. The submitted Design and Access Statement details that bat, bird boxes and bee bricks will be provided but no details have been submitted as to where these will be located, provided or maintained. Therefore, such details will be recured by condition.

Overall, the LPA are satisfied that a net gain can be achieved and the development will accord with Policy LP30 of the Local Plan to 2036 in this regard.

*Impact on Trees

Matters regarding trees would generally be considered at the outline stage. It is noted that aside from reference that no harm would be caused to trees, no specific assessment was made in the

earlier Officer Report. A site visit reveals that there are some minor trees within and surrounding the development site. The majority of these are small scale domestic planting and, given that they are not located within a Conservation Area nor are subject to Tree Preservation Orders are not afforded formal protection. Most notable is a tree to the west (marked as TP on the proposed site plan). The crown of this tree is shown as being in excess of 11 metres from the proposed dwelling (though of course hard surfacing is closer to the tree) from the closest point. Whilst the tree is larger than the surrounding trees it is not considered to be of an age/condition which would warrant a refusal of an application.

It may be that the proposed fencing could present some impact to the roots, however, it is noted that there is already a fence in place and such installations could be undertaken by exercising permitted development rights available by virtue of Schedule 2, Part 1, Class F (when it formed part of the residential curtilage of number 117) and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to certain tests.

Overall, having regard to the above considerations, it would seem unreasonable to add further constraints to the permission by way of conditions (especially as this was not raised at outline stage) and so the development is considered to be acceptable with regard to its impact on trees and broadly accords with Policy LP31 of the Local Plan to 2036 in this regard.

*Flood Risk

The application site is shown to be within Flood Zone 3 as per the most Recent Environment Agency Flood Risk Maps and Data, and the Council produced an updated Strategic Flood Risk Assessment (SFRA) in 2024, which also defines Ramsey St Marys as being within Flood Zone 3.

Flood Zone 3 is defined as having the highest risk of flooding in the Government's National Planning Practice Guidance (PPG). The National Planning Policy Framework 2024 (NPPF) seeks to direct inappropriate development away from areas at the highest risk of flooding (whether existing or future). Where development is proposed in areas that are at the highest risk of flooding, the Framework requires a sequential, risk-based approach to the location of development, so as to avoid where possible, flood risk to people and property.

However, existing raised defences, which the 2024 SFRA specifically does not take account of, provide some protection to existing properties in this area. Huntingdonshire District Council's Development Management Planning Committee have agreed the following: Some villages, including some of the Ramsey villages, are entirely within Zone 3 in the 2024 SFRA. New development within settlements, including market housing, can in some cases help enhance or maintain the vitality of a rural community and this is a key objective of the Council's Planning Strategies and the NPPF. Therefore, for those villages which are entirely within Flood Zone 3 as defined in the 2024 SFRA only, the 2010 SFRA which took account of flood defences will be used as the basis for decision making, and general market housing will only be permitted in areas shown as being in Flood Zone 1 as defined in that document. This approach follows discussions with the Environment Agency and the Middle Level Commissioners and will ensure that regard is still given to flood risk but will also allow some development to be approved in these villages to maintain their vitality.

The Huntingdonshire Strategic Flood Risk Assessment 2010 shows the site to be within Flood Zone 1 and the site is at low risk of surface water flooding and groundwater flooding as per the relevant 2024 SFRA maps.

Accordingly, as the site is considered to be in Flood Zone 1 and no Sequential or Exception Test Assessments need to be undertaken.

However, notwithstanding the above, a Flood Risk Assessment was submitted with the outline application and the EA were consulted. The EA raised no objections but suggested that the measures detailed within the FRA be adhered to. The only recommendations are the raising of the finished floor levels 300mm above existing ground level and disposal of surface water. These are detailed within the submitted Design and Access Statement and will be secured by condition.

In terms of surface water, as well as the disposal (which will be dealt with in further detail at the building regulations stage) the provision of permeable surfaces (grass, landscaping, gravel etc) will support drainage. It is noted that there is a condition in the outline permission (Condition 15) which requires the submission of foul and surface water drainage details prior to commencement of the development and these are shown on the submitted site plan utilising a main sewer and soakaway and are considered acceptable.

Overall, it is considered that the development has an acceptable approach to flood risk and surface water and therefore broadly accords with Policies LP5 and LP15 of the Local Plan to 2036.

*Accessible and Adaptable Homes

Policy LP25 of the Local Plan to 2036 requires proposals that include housing to meet the optional Building Regulation requirement M4(2)" Accessible and adaptable dwellings" unless it can be demonstrated that site specific factors make this unachievable. The proposed development will be conditioned to be designed in accordance with and will be built in accordance with the M4(2) standards (compliance with which is detailed within the Design and Access Statement).

*Water Efficiency Policy

LP12 of the Local Plan to 2036 requires proposals that include housing to comply with the optional building regulation for water efficiency, as set out in Approved Document G. The proposed development will be conditioned and designed in accordance with and will be built in accordance with the LP12 (j) standards. (compliance with which is detailed within the Design and Access Statement).

*Other matters

Developer contributions (Wheeled Bins)

A Unilateral Undertaking to secure the provision of wheeled bins has been submitted as part of the application process for the outline proposal. The development is therefore considered to be in accordance with Policy LP4 of Huntingdonshire's Local Plan to 2036 in this regard.

The proposal is therefore considered to accord with the requirements of Policy LP4 of the Local Plan to 2036 and the Developer Contribution SPD in this regard.

Developer contributions (CIL)

The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education. A completed Community Infrastructure Levy Form has been provided to the Local Planning Authority as part of the outline permission.

The proposal is therefore considered to accord with the requirements of Policy LP4 of the Local Plan to 2036 and the Developer Contribution SPD in this regard.

*Conclusion

The proposed development is considered to be compliant with the relevant national and local policy as it is:

*Acceptable in principle

And it:

* Would not be harmful to the character or appearance of the area;
* Would not have a significantly detrimental impact upon the amenity of neighbours;
* Is acceptable with regard to parking provision and highway safety;
*Is acceptable with regards to the impact on biodiversity;
*Is acceptable with regards to the impacts on trees;
* Would not result in an increased risk of flooding in the locality;

*There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**